



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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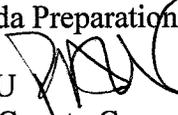
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JOHN F. KRATTLI
County Counsel

June 7, 2012

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Evelyn Pena, et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 11-05038

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation and the Case Summary be placed on the Board of Supervisors' agenda.

PAW:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Evelyn Pena, et al. v. County of Los Angeles, et al., United States District Court Case No. CV 11-05038, in the amount of \$165,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Children and Family Services' budget.

This lawsuit alleges that the Department of Children and Family Services wrongfully detained two siblings – an infant and toddler.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Evelyn Pena, et al. v. County of Los Angeles, et al.
CASE NUMBER	CV 11-05038 GAF (AJWx)
COURT	United States District Court
DATE FILED	06/15/2011
COUNTY DEPARTMENT	Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	\$ 165,000
ATTORNEY FOR PLAINTIFF	Robert R. Powell Dennis R. Ingols Law Offices of Robert R. Powell
COUNTY COUNSEL ATTORNEY	Lauren M. Black Principal Deputy County Counsel Tomas A. Guterres Collins Collins Muir + Stewart.
NATURE OF CASE	Warrantless detention of minors.
PAID ATTORNEY FEES, TO DATE	\$ 14,997
PAID COSTS, TO DATE	\$ 109

Case Name: Pena v. County of Los Angeles



**Summary Corrective Action Plan
Department of Children and
Family Services**



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	August 2009
Briefly provide a description of the incident/event:	The plaintiffs' children were detained after one of the children was bitten by the family dog. The mother failed to seek medical treatment for the child.

1. Briefly describe the root cause of the claim/lawsuit:

Detention of two children due to one of the children sustaining a dog bite by the family pet that was not vaccinated.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Department has reviewed relevant policy and training. The appropriate modifications have been made.

All personnel issues have been addressed.

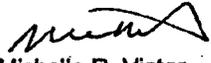
County of Los Angeles
Summary Corrective Action Plan

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

Potentially has County-wide implications.

Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).

Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator)  Michelle R. Victor	Date: 5-17-12
Signature: (Department Head)  PHILIP L. BROWNING, Director	Date: 5/23/12

Chief Executive Office Risk Management Branch

Name: Destiny Hoffman	Date: 5/16/2012
Signature: 